UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 February 2008*.

2a)☒ This action is **FINAL**.　　　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All　b)☐ Some * c)☐ None of:

　　　1.☒ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   This action is in response to communications filed February19, 2008.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Dutta et al. (hereinafter Dutta)(U.S. Patent No. 6,918,066 B2).

Regarding claims 1-3, Dutta teaches as follows:

a browser testing system comprises a browser test server (interpreted as a Web

server testing software, 43 in figure 3, housed with as a stand-alone tool, hereinafter

interpreted as a web test server) connected via one or more wired or wireless

communication networks (Internet 42 in figure 3) to a device or a browser testing device

(client machine 40 in figure 3) equipped with a browser operable to access the Internet

(see, e.g., col. 7, lines 1-22);

wherein one or more test cases (WML/HTML applications in particular web sites)

to test the browser are registered with the browser test server (web browser, equivalent

to applicant's tester, select the desired browsers from a list of browsers located on the

web test server, see, e.g., col. 8, lines 39-41)(test the WML/HTML web page on a

multitude of user agents/browsers, see, e.g., col. 4, lines 18-25);

wherein the browser test server (web test server, 43 in figure 3) provides a tester

with a session generated as a predetermined test case (a web site) according to a

selection by the tester (web designer) accessing the browser test server through the

communication networks (web site is evaluated for effectiveness on the different web

browsers using the scorecard rules generated, see, e.g., col. 8, lines 32-44); and

wherein the browser test server stores one or more values (scorecard) obtained

from the browser testing by use of the session (display the output of the HTML/WML file

as well as the evaluation scorecard for the selected browsers in the virtual screen, see,

e.g., col. 8, lines 46-50 and step 66 in figure 7).

Regarding claim 4, Dutta teaches as follows:

the browser test server (interpreted as a Web server testing software, 43 in figure

3, housed with as a stand-alone tool) comprises:

a first platform for developing a test case, into which a test case for testing the

browser is entered and registered with a database (scorecard gives the user a summary

of how the web site would be displayed on the various browsers, see, e.g., col. 7, lines

50-59 and step 62 in figure 7);

a second platform for testing the browser, registering a session including a

predetermined test case as selected by the tester with the database (storage device 25

in figure 2, see, e.g., col. 6, lines 26-40)(web designer selects the URL for the web page

and stores at the server location, see, e.g., col. 8, lines 26-29), collecting the values

(scorecard) obtained through the browser testing by use of the session and recording

the values in the session (web site is evaluated for effectiveness on the different web

browsers using the scorecard rules generated, see, e.g., col. 8, lines 32-44); and

a third platform for reporting a result from the browser testing through the session

recorded with the values (display the output of the HTML/WML file as well as the

evaluation scorecard for the selected browsers in the virtual screen, see, e.g., col. 8,

lines 46-50 and step 66 in figure 7).

Regarding claim 5, Dutta teaches as follows:

the database (storage device) includes one or more test cases (WML/HTML file

or a URL pointing to a file that contains the location of the Web site, see, e.g., col. 8,

lines 25-29) and one or more sessions stored by categories classified according to

browser characteristics (an emulator program includes a database of tags, which is

supported by each browser in the browser set, see, e.g., col. 4, lines 18-33), and each

of the sessions includes the values obtained from the browser testing (scorecard gives

the user a summary of how the web site would be displayed on the various browsers,

see, e.g., col. 7, lines 50-59 and step 62 in figure 7).

Regarding claim 6, Dutta teaches as follows:

wherein reporting the result of the browser testing includes representing the

values (scorecard) for the test cases (web site to be tested) as at least one of tables

and graphs and outputting the represented values as a document (scorecard results

tables, see, e.g., col. 9, line 55 to col. 10, line 44 and figure 9-11).

Regarding claim 7, Dutta teaches as follows:

wherein reporting the result of the browser testing includes creating a new

session by extracting, deleting or adding only those test cases having a particular value

(interpreted as a tag which is supported by each browser in the browser set, see, e.g.,

col. 4, lines 28-32) from or to the test cases (web pages) and retesting the browser by

using the newly created session (designer can edit the web pages and test again based

on the appearance in the displays and the browser scorecard, see, e.g., col.8, lines 51-

64 and steps 65-68).

Regarding claims 8 and 17, Dutta teaches as follows:

wherein each of the test cases is a contents file including one or more tags or

one or more script symbols corresponding to predetermined contents that will be tested

as to whether the contents are normally provided through the browser (the emulator

program includes a database of tags, see, e.g., col. 4, lines 23-34).

Regarding claims 9 and 18, Dutta teaches as follows:

wherein the session includes the predetermined test case selected by the tester

and is a web page for the browser testing (emulates various web browser programs in

order to test web pages on different browsers, see, e.g., col. 4, lines 18-33), the web

page having a predetermined URL address that indicates a location where the web

page is registered on the browser test server (URL pointing to a file that contains the

location of the web site that the designer wants to evaluate, see, e.g., col. 8, lines 25-30

and step 60 in figure 7).

Regarding claim 10, Dutta teaches as follows:

a browser testing method, comprising:

a session creating step of creating a session (open web pages to be tested with

multitude of browsers) including one or more predetermined test cases as selected by a

tester that gains access to a browser test server in which one or more test cases for use

in testing a browser installed on a device connectable to the Internet are registered

(see, e.g., step 60 and 61 in figure 7 and col. 8, lines 25-32); and

a browser testing step of testing the browser by using the created session and of

inputting result values of the browser test (see, e.g., steps 62-66 in figure 7 and col. 8,

lines 32-50).

Regarding claim 11, Dutta teaches as follows:

a browser testing method, comprising:

a test case developing step of receiving one or more test cases for use in testing

a browser installed on a device connectable to the Internet and registering the received

test cases in a database (see, e.g., steps 60 and 61 in figure 7 and col. 8, lines 25-32);

and

a browser testing step of collecting result values obtained from a tester during

browser testing, the browser testing using a session created by the tester and

registered in the database, and recording the collected result values in the session (see,

e.g., steps 62-66 in figure 7 and col. 8, lines 32-50).

Regarding claim 12, Dutta teaches as follows:

a browser testing method, comprising:

a test case developing step of receiving one or more test cases for use in testing

a browser installed on a device connectable to the Internet and registering the received

test cases in a database (see, e.g., steps 60 and 61 in figure 7 and col. 8, lines 25-32);

a session creating step of creating a session with one or more predetermined

test cases selected from the database by a tester (the session connection inherently

has been established by the steps 61 and 62 in figure 7, see, e.g., col. 8, lines 25-32);

and

a browser testing step of testing the browser by using the created session,

collecting one or more result values obtained from the browser test and recording the

collected result values in the session (see, e.g., steps 62-66 in figure 7 and col. 8, lines

32-50).

Regarding claim 13, Dutta teaches as follows:

a test result reporting step of editing the test cases (designer can edit the web

pages and test again based on the appearance in the displays and the browser

scorecard, see, e.g., col.8, lines 51-64 and steps 65-68), which constitute the session

and have the result values, and reporting the result values of the browser testing (see,

e.g., step 66 in figure 7 and col. 8, lines 32-50 and scorecard result in figure 9-11).

Regarding claim 14, Dutta teaches as follows:

the test case developing step comprises the steps of:

gaining access to a test case developing platform by a developer (web designer

get access to the web pages to be tested with multitude of browsers, see, e.g., steps 60

and 61 in figure 7 and col. 8, lines 25-32);

selecting a browser and its version to which the test cases (web site) will be

applied in categories, after gaining access to the test case developing platform

(selecting the desired web browsers based on the scorecard rules for evaluating the

web site, see, e.g., steps 62 and 63 in figure 7 and col. 8, lines 32-41); and

creating one or more contents files for use in testing the browser as to whether

the test cases are normally provided through the selected browser and its version, and

registering the created contents files in the database by category (uploading the web

page file, see, e.g., step 61 in figure 7 and col. 8, lines 25-32).

Regarding claim 15, Dutta teaches as follows:

the session creating step comprises the steps of:

gaining access to a browser-testing platform by the tester (web designer get

access to the web pages to be tested with multitude of browsers, see, e.g., steps 60

and 61 in figure 7 and col. 8, lines 25-32);

selecting a browser and its version to be tested in categories, after gaining

access to the browser-testing platform (selecting the desired web browsers based on

the scorecard rules for evaluating the web site, see, e.g., steps 62 and 63 in figure 7

and col. 8, lines 32-41);

selecting one or more test cases to be tested among the test cases registered in

the selected browser and its version and creating a session with the selected test cases

(see, e.g., steps 60-63 in figure 7 and col. 8, lines 25-41); and

registering the created session in the category of the selected version of the

browser and designating a predetermined URL address to the session (see, e.g., step

60 in figure 7 and col. 8, lines 25-32).

Regarding claim 16, Dutta teaches as follows:

the browser testing step comprises the steps of:

gaining access to a web page of the session with a predetermined URL address

through the browser to be tested (web designer get access to the web pages to be

tested with multitude of browsers, see, e.g., steps 60 and 61 in figure 7 and col. 8, lines

25-32);

receiving the test cases constituting the session (see, e.g., steps 60 and 61 in

figure and col. 8, lines 25-32); and

receiving the result values from the tester and registering the received result

values in the session, the result values indicating whether the contents of the provided

test cases are normally provided through the browser (see, e.g., steps 62-66 in figure 7

and col. 8, lines 32-50 and figure 9-11 from col. 9, line 55 to col. 10, line 44).

Regarding claim 20, Dutta teaches as follows:

the session includes the predetermined test case (web page, 64 in figure 7)

selected by the tester and is a web page for the browser testing (emulating the web

page for the selected browser, see, e.g., col. 8, lines 39-50), the web page having a

predetermined URL address that indicates a location where the web page is registered

on the browser test server (sending a URL pointing to a file that contains the location of

the web site that the designer wants to evaluate, see, e.g., col. 8, lines 25-30).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et

al. (hereinafter Dutta)(U.S. Patent No. 6,918,066 B2).

Regarding claim 19, Dutta teaches all the limitations of claim as presented above

per claim 1 except for using the plurality of test cases to test the browser.

It would be obvious to modify Dutta to include a database which stores a plurality

of test cases in order to efficiently test a variety of different browsers.

Response to Arguments

6.   Applicant's arguments filed 2/19/2008, with respect to claim 1-20 have been

considered but are moot in view of the new ground(s) of rejection.

A.   Summary of Applicant's Arguments

In the remarks, the applicant argues as followings:

1) Regarding claim 1, Dutta does not disclose that one or more test cases are

registered with the browser test server;

2) Regarding claim 5, the program which includes tags which are supported by a

variety of browsers in Dutta does not correlate into a session which is stored by

categories classified according to browser characteristics;

3) Regarding claim 8, Dutta does not disclose that a content file including one or

more tags or one or more script symbols corresponding to predetermined contents is

registered with the browser test server; and

4) Regarding claim 15, Dutta does not disclose the registering the created

session in the category of the selected version of the browser as well as the asserted

WML/HTML file in Dutta is not a session as claimed.

B.   Response to Arguments

In response to argument 1), the applicant's browser test server can be any one of the web server (41 in figure 3), the client 1 (40 in figure 3) or the client 2 (43 in figure 3) installed with the web server software (see, e.g., col. 7, lines 7-13), therefore when the web server software is installed with the web server, which is the host of the web page (interpreted as the applicant's test case), it is inherent to be stored the web page information inside the web host server which is the same as the browser test server.

In response to argument 2), the examiner interpreted the applicant's database as the storage device not the database storing tags (see, the office action page 5, lines 1-3), therefore the storage device inherently includes the session information provided for the connection of the user to the web page.

In response to argument 3), WML/HTML file of the web page is interpreted as the applicant's test case, therefore the web page inherently includes one or more script symbol.

In response to argument 4), the applicant's registering is broadly interpreted as storing, therefore the when receiving or uploading a web page the browser test server inherently stores the session information.

Claims are to be given their broadest reasonable interpretation during prosecution, and the scope of a claim cannot be narrowed by reading disclosed limitations into the claim. See In re Morris, 127 F.3d 1048, 1054, 44 USPQ2D 1023, 1027 (Fed. Cir. 1997); In re Zletz, 893 F.2d 319, 321, 13 USPQ2D 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404, 162 USPQ 541,550 (CCPA 1969). In addition,

the law of anticipation does not require that a reference "teach" what an appellant's disclosure teaches. Assuming that reference is properly "prior art,'" it is only necessary that the claims "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it. <u>Kalman v. Kimberly-Clark Corp.,</u> 713 F.2d 760, 772, 218 USPQ 781,789 (Fed. Cir. 1983).

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEONG S. PARK whose telephone number is (571)270-1597. The examiner can normally be reached on Monday through Friday 7:00 - 3:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S. P./
Examiner, Art Unit 2154

May 16, 2008

/Joseph E. Avellino/
Primary Examiner, Art Unit 2146